

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

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:
UNITED STATES OF AMERICA, : Criminal Action No.
: 1:18-CR-83
versus :
:
PAUL J. MANAFORT, JR., :
: July 24, 2018
Defendant. :
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TRANSCRIPT OF HEARING
BEFORE THE HONORABLE T.S. ELLIS, III
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT: UZO ASONYE, ESQ.
GREG ANDRES, ESQ.
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ALSO PRESENT: RICHARD WESTLING, ESQ.

OFFICIAL COURT REPORTER: TONIA M. HARRIS, RPR
U.S. District Court, Ninth Floor
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Alexandria, VA 22314

P R O C E E D I N G S

(Court proceedings commenced at 9:07 p.m.)

THE COURT: All right. You may call the first matter.

THE DEPUTY CLERK: United States versus Paul J. Manafort, Jr., Criminal Case No. 1:18-CR-83.

Counsel, please note your appearance for the record.

MR. ANDRES: Good morning, Judge. Greg Andres, Uzo Asonye, Brandon Van Grack for the Government. And with us at counsel table is special agent Sherine Ebadi from the FBI. Good morning.

THE COURT: Good morning to all of you. And for the defendant?

MR. DOWNING: Good morning, Your Honor. Kevin Downing, Tom Zehnle, Jay Nanavati, and Mr. Westling for the defendant, Mr. Manafort.

THE COURT: All right. Good morning to all of you and good morning to Mr. Manafort as well.

And good morning, ladies and gentlemen. My name is Tim Ellis, I'm the judge who will be presiding over this case, U.S. against Manafort. And I want to take this opportunity to thank each of you for your service as jurors.

I think I had all of you sit on one side of the courtroom. Which side is that?

THE CSO: Center and then to your right.

1 THE COURT: Thank you. Again, I want to take this
2 opportunity to thank each of you for your service as jurors.
3 Nothing you do as an American citizen is any more important
4 than jury service. Together with voting, it is one of the two
5 cardinal duties that each of us has as an American citizen and
6 it's vitally important that we all fulfill those duties.

7 Now, today I'm going to tell you a bit about this
8 case and have you fill out a juror questionnaire. The trial
9 will actually begin on Tuesday morning with the remainder of
10 jury selection. But you will be asked today to fill out a
11 questionnaire that will ask you a number of questions that are
12 necessary in order for the Court to proceed with the jury
13 selection process. And it is vitally important that you
14 answer those questions truthfully candidly.

15 There will be additional questions asked of you
16 orally here in open court, although some questions may be
17 asked of you here at the bench and that's done to preserve
18 your privacy as to any information you may have to provide in
19 response to the Court's questions and also to avoid having any
20 information that may disable other jurors from serving as
21 jurors from that information coming out.

22 Now, so today what you have to do is to fill out
23 this jury questionnaire, juror questionnaire. And you will be
24 under oath when you fill that out, and I will have an oath
25 administered to you on Tuesday when we reconvene for you to

1 answer questions that the Court puts to you.

2 Now, let me tell you -- do you have the indictment?

3 (A pause in the proceedings.)

4 THE COURT: I'm going to tell you now a bit about
5 this case, but let me mention one other thing. I told you at
6 the outset I wanted to thank you for your service as jurors
7 and how important that is.

8 I've had occasion to observe the functioning of the
9 criminal justice system on the continent of Europe and in
10 Latin America. In both places, I've lived and I've had the
11 occasion to observe the criminal justice systems both on the
12 continent of Europe and in Latin America.

13 That experience has confirmed in me the strong view
14 that juries play a vital role in the preservation of our
15 rights and liberties as Americans and that can continue to be
16 the case only as long as citizens are willing to work and to
17 serve as jurors conscientiously in the performance of a
18 juror's duty. So I want you to have that in mind as you fill
19 out this questionnaire.

20 Now, let me tell you a bit about this case, and I
21 will do so by reading in some measure from the indictment.
22 Now, an indictment is not proof or evidence of guilt of any
23 kind. It is merely a formal means that the government has of
24 accusing a defendant of a crime, but it is not itself proof or
25 evidence of guilt of any kind. And the defendant has pled not

1 guilty to these charges; and, therefore, must be presumed by
2 you to be innocent of those charges unless and until the jury
3 find otherwise.

4 Now, there are a number of counts. I'm not going to
5 go through each of them. But what I am going to do is tell
6 you about various groups of them.

7 And I'm standing for the comfort of my back and my
8 legs, for no other reason. Otherwise, I will be sitting, I
9 assure you.

10 A number of the counts charge Mr. Manafort with
11 subscribing to false United States individual income tax
12 returns, and there are five counts because there are five
13 different occasions for years.

14 A second group of counts charges Mr. Manafort with
15 failure to file reports of foreign bank and financial
16 accounts. And I'll review these with you in somewhat greater
17 detail on Tuesday.

18 Another group of counts charges Mr. Manafort with
19 engaging in a conspiracy to commit bank fraud in connection
20 with loan applications. And I'll read you a summary of that
21 from the indictments on Tuesday morning as well. But that's
22 essentially it.

23 There are three groups of allegations: First, as I
24 said, there are allegations of subscribing, that means
25 signing, a false United States individual income tax return on

1 five different years. And those years, I believe, go back to
2 2005, is that correct? Or what's the year it goes back to?

3 MR. ANDRES: 2010 to 2014, Judge.

4 THE COURT: Thank you. Then we have the second
5 group I told you about was failure to file reports of foreign
6 bank and financial accounts. I take it for the same group of
7 years.

8 MR. ANDRES: Yes, Judge.

9 THE COURT: And then engaging in a bank fraud
10 conspiracy and committing bank fraud. And that pertains to
11 what years?

12 MR. ANDRES: It's roughly late 2015 through 2017.

13 THE COURT: All right. Again, ladies and gentlemen,
14 I remind you that the allegations in a -- in an indictment are
15 merely allegations. They are not proof or evidence of guilt
16 of any kind whatsoever. The defendant has pled not guilty to
17 those charges and therefore must be presumed by you to be
18 innocent of those charges unless and until the jury find
19 otherwise.

20 Now, having told you that much about it, let me go
21 on to say that I expect this trial will last no more than
22 three weeks. However, I assure you I will make every effort
23 to avoid lengthening this trial and that I will make every
24 effort to shorten the span of the trial. And I can assure you
25 that the lawyers themselves are dedicated to that -- to those

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1 two goals. Neither lengthening and attempting to shorten. We
2 will do the best we can. I can assure you.

3 Now, having told you that much, I will tell you this
4 about the questionnaire that you are about to fill in.

5 You will fill it in this morning, you will turn it
6 in. And then I will ask you further questions in the jury
7 selection process on Tuesday. And you'll turn it in today and
8 those forms will be retained here in the clerk's office and
9 they'll be under seal.

10 And you'll be asked questions. You'll be asked
11 questions about whether you've seen or read or heard or know
12 anything about this case from any source, whatever. And then
13 you'll be asked, "Have you formed any opinion?" And then
14 you'll be asked, "If you have, or whatever you've read, can
15 you put it aside? Can you put any opinion you have or can you
16 put what you have read and learned aside and judge this case
17 fairly and impartially based only on the evidence that's
18 presented here in the courtroom and the Court's instructions
19 on the law at the conclusion of the trial?"

20 You need to pay careful attention to those questions
21 and you need to answer them honestly and conscientiously.
22 There will also be questions about the fact that the case will
23 last as long as I've told you. Then you will be asked whether
24 there is any reason why you cannot sit and pay careful, close
25 attention to the evidence as it is presented. And this is

—Tonia M. Harris OCR-USDC/EDVA 703-646-1438—

1 intended to capture answers from you-all.

2 You-all may have prepaid vacations in August. Some
3 people do go on vacation in August. I haven't done so in
4 years, but I assume most of you have better sense than I do.

5 So that's a possibility. And I need to know about
6 that in the jury selection process.

7 Some of you may have childcare responsibilities that
8 would preclude your serving as a juror. I need to know that.
9 And there may be other factors, as you'll see from the
10 questionnaire.

11 I think that's sufficient for this time. So I'm
12 going to excuse you now, permit you to go and fill out your
13 questionnaires, and then you may go home to return on Tuesday.
14 And we'll proceed at that time.

15 You'll be asked -- as I think about it, there are
16 also further questions that I will ask about whether you or
17 any member of your family is employed by any law enforcement
18 agency.

19 Is that in the questionnaire? That's in the
20 questionnaire as well. So there will be some of you who are
21 employed by law enforcement individuals. Let me ask,
22 Mr. Andres, do you have witnesses who will testify from which
23 agencies?

24 MR. ANDRES: From the IRS, from the FBI, and from
25 FinCEN.

1 THE COURT: Certainly, ladies and gentlemen if you
2 have -- if you or any member of your family, so far as you
3 know, is employed by any law enforcement agency, specifically
4 including those, you'll be asked to reveal that in your
5 questionnaire and we'll proceed on the basis of the
6 information you provide.

7 Thank you for your appearance this morning.

8 I have one other piece of -- tiny piece of good
9 news. If you're selected as a juror, we'll supply your lunch
10 every day. Don't look for the baked Alaska on the menu, but
11 it will be palatable, I assure you.

12 Thank you for your appearance today. Thank you for
13 doing your duty today and for the rest of the time in this
14 case. You may follow the Court security officer, Mr. Flood,
15 out now and proceed to complete the questionnaire.

16 (Jury excused.)

17 (Jury present.)

18 THE COURT: Oh, ladies and gentlemen, just a moment.
19 I'll come down to the jury room where you're doing it. But
20 what I'm going to do, ladies and gentlemen, is I'm going to
21 tell them that they may not discuss the case with anyone at
22 all. I omitted doing that. Go ahead and go on down. I'll
23 come down into the jury room and see you there and I will tell
24 you that.

25 (Jury excused.)

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1 THE COURT: All right. The remainder of you may be
2 seated now. I'm going to go down in just a few minutes and
3 instruct them that they may not discuss the case with anyone
4 nor allow anyone to discuss the case with them.

5 And if anyone tries to speak to them about it, I
6 want them to stop that and call that to my attention promptly.
7 And I would ask members of the press who are here not to
8 approach these jurors and not to attempt to engage them in
9 conversations about what occurred. I don't know if there are
10 any members of the press in here. There are one or two.

11 All right. Please adhere to that. I think there
12 will be more than ample information about what is happening in
13 this trial for you to report. It will be plenty of grist for
14 the media mill to grind. All right.

15 Now, yes, sir?

16 MR. ANDRES: Judge, just wanted to understand the
17 process to -- for the parties to get access to the
18 questionnaire.

19 THE COURT: Yes. The clerk's office is going to
20 collect them and maintain their security and make copies. And
21 then this afternoon at a reasonable hour, probably mid to late
22 afternoon, because it takes time to copy them, you will have
23 an opportunity to collect them from the clerk's office.

24 But remember you too have to remain the -- have to
25 maintain the security. You all are directed and ordered not

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1 to release these, your copies of these questionnaires. I want
2 that unmistakably clear.

3 So let's set three o'clock from the clerk's office
4 for you all to pick up your copies. If it's going to be
5 delayed, the clerk's office will tell you because they have to
6 copy them.

7 Any other questions?

8 MR. ASONYE: One other question, Your Honor.

9 THE COURT: Yes, Mr. Asonye.

10 MR. ASONYE: Your Honor, to be clear, the Government
11 has filed its initial exhibit list. We have provided that to
12 the defense and we have --

13 THE COURT: And you were also under directions from
14 yesterday to discuss specific exhibits so that I could resolve
15 the defendant's remaining motion in limine.

16 MR. ASONYE: Correct, Your Honor, and we have
17 provided electronic copies of all of the exhibits as well to
18 defense counsel. And pursuant to Your Honors order yesterday,
19 we also provided our list of -- our witness list to the
20 defense.

21 I just wanted to clarify, Your Honor, I believe we
22 saw a minute order that might indicate that Your Honor wanted
23 us to actually file the witness list. And Government's
24 inquiring whether providing it to the defense is sufficient at
25 this time.

1 THE COURT: Why shouldn't it be public?

2 MR. ASONYE: Your Honor, we typically actually don't
3 file --

4 THE COURT: Yes, I know. But this isn't a typical
5 case. I quite agree with you. I -- you know, I can see
6 reasons why you all might, and indeed both sides, might want
7 it kept this way, but --

8 MR. ASONYE: Your Honor, if I might add, the other
9 thing I might add, as Your Honor has noted, we are attempting
10 to shorten this trial by eliminating as many witnesses as
11 possible. And so it may be that, again, some of these
12 witnesses are not called to trial if we're able to work out
13 agreements with the defense.

14 THE COURT: All right. All right. That's a good
15 point too. But I'm going to make the list public before the
16 end of this week so that the public will have knowledge of the
17 witness list beforehand.

18 MR. ASONYE: Thank you, Your Honor.

19 THE COURT: Anything else before I go downstairs?

20 MR. DOWNING: No, Your Honor.

21 MR. ANDRES: Not from the Government, Judge. Thank
22 you.

23 THE COURT: All right. Thank you for your
24 cooperation. Now, some of you are here for the Court's docket
25 today. I think I see -- my aging eyes can make out Mr.

1 Richman, I know he's here for that, is that right?

2 MR. RICHMAN: Yes, Your Honor.

3 THE COURT: All right. I'm going to delay that
4 while I go downstairs and address the jurors.

5 Now, for those of you who want to observe that, you
6 can't. There's not enough room down there. But I will tell
7 you that what I'm going to do is instruct them that they may
8 not discuss the matter with anyone, they may not discuss the
9 questionnaire with anyone, and if anyone attempts to discuss
10 that with them, they are to stop them and call that to my
11 attention promptly. So that's what I'm going to do.

12 And, so that we're clear about that, I'm going to
13 have Tonia come down there with me and record what I tell them
14 so that you will have a record of that at some future time.

15 Court stands in recess for the 15 minutes, it will
16 take me to do that.

17 **(Proceedings recessed at 9:29 a.m.)**

18 (The Court reconvened with the potential jurors at 9:35 a.m.)

19 THE COURT: I omitted something very important. And
20 so, I'm going to do it here.

21 You are not to discuss this case with anyone or to
22 permit anyone to discuss it with you. If someone tries to
23 speak to you about this case, about what was on the
24 questionnaire, about your answers, stop them, and call that to
25 the Court's attention promptly, and I will deal with it. I

1 assure you I can.

2 But that was very important for me to give you that
3 instruction.

4 Now, let me be even more clearer about it.

5 This -- some of you, of course, many of you, won't
6 be selected. If you are not selected, then you are no longer
7 under any constraints about speaking to anyone about this
8 case. You may speak to anyone.

9 But, if you are selected, you will be required not
10 to speak to anyone about this case for your entire
11 participation in the case. At the end of the case, I will
12 then tell you that you may speak to whomever you please about
13 the case. There will be a caution or two about this.

14 I'm always concerned in the media when I see jurors
15 discussing what went on in the course of deliberations in a
16 case. I think that does an injury to the deliberative
17 process. And so I caution jurors that they have a duty of
18 confidentiality to their fellow jurors. But that's a matter
19 for you and your conscience to deal with.

20 But, during the trial, if you're selected as a
21 juror, you answer to my direction that you not discuss the
22 case with anyone, including your family members. And there
23 will be lots of curiosity about what you've been doing. In
24 fact, as the case will last into the second week, they'll no
25 longer believe you've been doing what you say you've been

1 doing. But that's a problem I'm sure you can deal with.

2 And for those of you who are not selected, you may
3 not discuss this matter with anyone during the jury selection
4 process. I'll address what you can do at the end later. But
5 during the selection process, you are not to discuss the case
6 with anyone, you're not to tell anyone what's on the
7 questionnaire, what isn't on the questionnaire. Believe me,
8 there will be curiosity. But you may not do it.

9 Thank you for your service again. And thank you for
10 your careful and close attention to the directions that I've
11 given you. All set.

12 Thank you.

13 (Proceedings adjourned at 9:38 a.m.)

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CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for the Eastern District of Virginia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the Hearing in the case of the **UNITED STATES OF AMERICA versus PAUL J. MANAFORT, JR.**, Criminal Action No. 1:18-CR-83, in said court on the 24th day of July, 2018.

I further certify that the foregoing 16 pages constitute the official transcript of said proceedings, as taken from my machine shorthand notes, my computer realtime display, together with the backup tape recording of said proceedings to the best of my ability.

In witness whereof, I have hereto subscribed my name, this the July 24, 2018.



Tonia M. Harris, RPR
Official Court Reporter